IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1768 OF 2003

Vedprakash Surajbhan Goyal (Agarwal) ...Petitioner

Versus

Raj Nandkishor Agarwal & Ors ...Respondents

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Mr. R.M. Agarwal, Advocate for Petitioner

Mr. S.S. Shah, Advocate for Respondent No.1

Mr. Y.S. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 30TH JUNE, 2005

P. C.:-

1. Heard both sides.

2. The petitioner has prayed for quashing of process issued against him in Criminal Case No. 79/2001 which is pending in the Court of learned J.M.F.C. Court No.2, Pune. In the said case, process has been issued against the petitioner under Sections 464, 468 and 471 of I.P.C.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioner

has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement the trial Court shall not proceed with the trial for a period of four weeks from today. The learned advocate for the petitioner states that four days advance notice shall be given to the original complainant in respect of filing of revision by the petitioner before the Sessions Court.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Criminal writ petition is disposed of.

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